

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent,

No. CR S-97-0216 GEB DAD P

vs.

LLOYD RAY WINBURN,

Movant.

ORDER TO SHOW CAUSE

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Movant, proceeding pro se, is before the court on a motion for relief pursuant to 28 U.S.C. § 2255. The matter has been fully briefed and the undersigned is prepared to issue findings and recommendations on the motion. However, the assigned District Judge terminated movant's remaining term of supervised release following movant's completion of sixty-three months of imprisonment and one year of his supervised release term. Under these circumstances it is unclear whether movant intends to continue to seek relief under § 2255. Accordingly, the court will order movant to inform the court in writing whether he wishes to proceed with his amended § 2255 motion.

The court also notes that on December 6, 2002 and March 27, 2003, counsel attached the presentence investigation report in movant's case to the government's response and amended response to movant's §2255 motion. See Gov't Response, filed 12/6/02, Ex. C; Gov't

1 Am. Response, filed 3/27/03, Ex. C. Pursuant to Local Criminal Rule 32-460, the court will
2 direct the Clerk of the Court to remove those presentence reports from the court's file and place
3 them under seal.

4 Accordingly,

5 1. Within fifteen days from the service of this order, movant shall notify the court
6 in writing as to whether he wishes to proceed with his amended § 2255 motion. Should movant
7 fail to file a response to this order, the amended § 2255 motion will be dismissed without
8 prejudice. See Local Rule 11-110; Fed. R. Civ. P. 41(b).

9 2. The Clerk of the Court is directed to remove the presentence investigation
10 report from the government's response, filed on December 6, 2002 (court document number 370,
11 exhibit C), and the government's amended response, filed on March 27, 2003 (court document
12 number 375, exhibit C). The presentence investigation reports shall be placed under seal and the
13 sealed documents shall be returned to the government when this action is closed.

14 IT IS SO ORDERED.

15 DATED: August 31, 2007.

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DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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